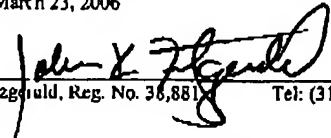


## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being facsimile transmitted to (571) 273-3684 at the U.S. Patent and Trademark Office on March 23, 2006

  
John K. Fitzgerald, Reg. No. 36,881 Tel: (310) 824-5555

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/750,255  
Applicant : Joseph J. Engleson et al.  
Filed : 12/29/2003  
Title : SYSTEM AND METHOD FOR COLLECTING DATA AND  
MANAGEMENT PATIENT CARE  
Art Unit : 2121  
Examiner : Ronald D. Hartman, Jr.  
Docket No.: : IVACP-66738  
Customer No. : 24201

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION**  
**UNDER 37 C.F.R. § 1.321(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, ALARIS Medical Systems, Inc., a Delaware corporation having a place of business at 10221 Wateridge Circle, San Diego, California 92121, is the assignee and owner of 100 percent interest in the instant application, Application No. 10/750,255, filed on December 29, 2003 for SYSTEM AND METHOD FOR COLLECTING DATA AND MANAGING PATIENT CARE, which is a continuation of Application No. 09/114,581, filed July 13, 1998 now U.S. Patent No. 6,671,563, issued on December 30, 2003, which was a continuation-in-part of 08/440,625, filed May 15, 1995, now U.S. Patent No. 5,781,442, issued on July 14, 1998, by virtue of a chain of Assignments (see table below).

	REEL/FRAME	RECORDED	ASSIGNOR	ASSIGNEE	CONVEYANCE
1.	007953/0780	05/20/1996	Engleson	IVAC Medical	Assignment
2.	008621/0107	06/30/1997	IVAC Holdings	ALARIS Medical	Name Change
3.	008621/0113	06/30/1997	IVAC Medical	IVAC Holdings	Merger
4.	008947/0929	12/22/1997	IVAC Medical	IVAC Holdings	Merger
5.	008947/0933	12/22/1997	IVAC Medical	IVAC Holdings	Merger
6.	009711/0753	01/21/1999	Ariel Computing	IVISION, Inc.	Assignment
7.	009711/0759	01/21/1999	Chamberlain	Ariel Computing	Assignment
8.	009711/0699	01/27/1999	IVISION, Inc.	ALARIS Medical	Assignment
9.	014201/0592	07/02/2003	ALARIS Medical, Inc.	ALARIS Medical Systems, Inc.	Name Change
10.	014220/0417	07/02/2003	ALARIS Medical Systems, Inc.	ALARIS Medical, Inc.	Merger
11.	016996/0276	01/10/2006	ALARIS Medical Systems, Inc.	Cardinal Health 303, Inc.	Name Change

The assignment documents have been reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Application No. 10/750,255, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,781,442, issued July 14, 1998, which is owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

CARDINAL HEALTH 303, INC.

March 22, 2006

By:   
Jean B. Stafstien  
Vice President General Counsel

**FULWIDER • PATTON** LLP

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Date: March 23, 2006

TelephoneFacsimileTo: Ronald D. Hartman, Jr.  
USPTO

571-273-3684

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From: John K. Fitzgerald

Re: USSN 10/750,255  
Filed: 12/29/2003

Client/Matter: IVACP-66738

Number of pages (Incl. this page): 4

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☐ Original to follow ☒ Original will NOT follow**COMMENTS/MESSAGE:**

Dear Examiner Hartman, attached is the Terminal Disclaimer for the subject application.